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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,147	11/17/2003	Takahiro Kanzaki	P08095US00/DEJ	7294

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EXAMINER

COHEN, AMY R

ART UNIT PAPER NUMBER

2859

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/713,147

Applicant(s)

KANZAKI, TAKAHIRO

Examiner

Amy R. Cohen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/12/05; 2/10/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 2 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method steps are directed to non-functional descriptive material, which is just an abstract idea. There is no useful, concrete or tangible result produced.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by “Ellipse” print out from www.du.edu/~jcalvert/math/ellipse.htm (pages 1-7) [hereinafter Ellipse].

Ellipse teaches a method for designing an elliptical structure which is symmetrical about the major axis and the minor axis thereof, and which has an outline of an approximate elliptical curve (Page 4), comprising the steps of: establishing the major and minor axes of the approximate elliptical curve (Page 4); drawing a first quadrant part by establishing a first fixed point outside the elliptical curve and along an extension of the minor axis (Page 4); from the first fixed point, drawing a straight line segment along the extension of the minor axis to the farthest

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end point of the minor axis, said straight line segment passing through the intersecting point of the major axis and the minor axis (page 4); and finally drawing a first circular segment from said farthest end point of the minor axis through an arbitrary angle measured at said first fixed point to a first end point, with the first fixed point as the center and having the same length as that of said straight line segment to serve as the radius, a first straight line segment being defined between the first end point and the first fixed point (page 4); drawing a second quadrant part by establishing a second fixed point on said first straight line segment (Page 4); and drawing a second circular segment following said first end point of said first circular segment through an arbitrary angle set at said second fixed point to a second end point, with the use of the second fixed point as the center, a second straight line segment being defined between the second end point and said second fixed point (Page 4); drawing a third quadrant part by establishing a third fixed point on said second straight line segment (Page 4, not all steps are shown but as described, would be used to complete the ellipse); and drawing a third circular segment following second end point of said second circular segment through an arbitrary angle set at said third fixed point, with the use of the third fixed point as the center a third straight line segment being defined between the third end point and said third fixed points (Page 4, not all steps are shown but as described, would be used to complete the ellipse); repeating the steps for further quadrant parts as required (Page 4, not all steps are shown but as described, would be used to complete the ellipse); finally drawing an nth quadrant part by drawing an nth circular segment following an (n-1)th circular segment and ranging from a finish end of the (n-1)th circular segment to the major axis with the use of the intersecting point of an (n-1)th straight line segment and the major axis as the center, and a part of the (n-1)th straight line segment as the radius (Page 4, not all

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steps are shown but as described, would be used to complete the ellipse); and using these steps to draw the other quadrants and hence for drawing the entire approximate elliptical structure (Page 4, steps of repeating are not shown but necessary for completing the ellipse).

Ellipse teaches a method for designing an elliptical structure which is symmetrical about the major axis and the minor axis thereof, and which has an outline of an approximate elliptical curve (page 4), comprising the steps of: establishing the major and minor axes of the approximate elliptical curve (Page 4); drawing a first quadrant part by establishing a first fixed point outside the elliptical curve and along an extension of the minor axis (Page 4); from the first fixed point, drawing a straight line segment along the extension of the minor axis to the farthest end point of the minor axis, said first straight line segment passing through the intersecting point of the major axis and the minor axis (Page 4); and finally drawing a first circular segment from said farthest end point of the minor axis through an arbitrary angle measured at said first fixed point to a first end point, with the first fixed point as the center and the first straight line segment as the radius (Page 4); drawing a second quadrant part by establishing a second fixed point on said first straight line segment (Page 4); and drawing a second circular segment following said first end point of said first circular segment through an arbitrary angle set at said second fixed point to a second end point, with the use of the second fixed point as the center, a second straight line segment being defined between the second end point and said second fixed point (page 4); finally drawing a third quadrant part by drawing a third circular segment following the second circular segment and ranging from the second end point of the second circular segment to the major axis with the use of the intersecting point of the second straight line segment and the major axis as the center and a part of the second straight line segment as the radius (Page 4); and using

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the steps to draw the other quadrants and hence for drawing the entire approximate elliptical structure (page 4).

Ellipse teaches an elliptical structure which has an outline of an approximate elliptical curve, being constructed using building materials designed by the method as described above (Page 7).

Response to Arguments

4. Applicant's arguments filed December 12, 2005 and February 10, 2006 have been fully considered but they are not persuasive.

5. Regarding Applicant's arguments that Ellipse does not in fact teach drawing an ellipse, Examiner disagrees. Specifically, Applicant lists the steps taken to draw out the ellipse apparently according to the method of Ellipse. But, Examiner notes that Applicant has reversed steps 10-13 (in Applicant's arguments). Therefore, Applicant is not using the precise method as disclosed by Ellipse, making Applicant's arguments not persuasive and moot.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references disclose elliptical structures Zars (U. S. Patent No. 6,904,697), Osborne (U. S. Patent No. 6,405,444), Langelaan (U. S. Patent No. 5,870,106), Spinning (U. S. Patent No. 4,532,714), Johnson (U. S. Patent No. 3,994,108), and Stanley (U. S. Patent No. 2,692,432).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R. Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC
May 1, 2006



Diego Gutierrez
Supervisory Examiner
Tech Center 2800